Tom L. Lewis

Lewis & Slovak, P.C. P. O. Box 2325 Great Falls, MT 59403 (406) 761-5595



IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re;	Chapter 11
W.R. GRACE & CO., <u>et al</u>) Debtors.	Case No. 01-01139 (JKF) (Jointly Administered)
)))	Claim No. 00009663

RESPONSE TO DEBTORS' SECOND OMNIBUS OBJECTION TO CLAIMS (NON-SUBSTANTIVE)

On behalf of claimant, Roy McMillan, Personal Representative of the Estate of Robert McMillan (Claim No. 00009663), his attorney, Tom L. Lewis of Lewis & Slovak, P.C., objects to Debtors' Second Omnibus Objection to Claims (Non-Substantive), dated July 21, 2003, and received August 7, 2003, on the basis of improper notice and further responds as follows:

- 1. Claimant's claim is with respect to asbestos contamination from a Grace product in or on the property.
- 2. Claimant's claim is based upon the findings of the U.S. Environmental Protection Agency in its Administrative Record and supplement, test results, and other documentation, as well as information obtained from other sources, including but not limited to local and national news reports, articles and meetings.
- 3. Claimant consented to the production and release of supporting documentation, in the possession of the U.S. Environmental Protection Agency, to Grace and Grace's representatives at the time of submission of claim in March, 2003.
- 4. Claimant has attached supporting documentation, which was not available at the time the proof of claim was filed.

Case 01-01139-AMC Doc 4241 Filed 08/12/03 Page 2 of 12

Respectfully submitted this 8th day of August, 2003.

Lewis & Slovak, P.C.

By:

Tom L. Lewis P.O. Box 2325

Great Falls, MT 59403 (Attorneys for Claimant)

CERTIFICATE OF SERVICE

I hereby certify that a true and legible copy of the foregoing Response to Debtors' Second Omnibus Objection to Claims (Non-Substantive) was served on the 8th day of August, 2003, by fax and by first class mail, upon the following:

James W. Kapp III, Janet S. Baer and Christian J. Lane Kirkland & Ellis, LLP 200 East Randolph Drive Chicago, IL 60601

Scott E. McFarland
Pachulski, Stang, Ziehl, Young, Jones & Weintraub, P.C.
919 North Market Street 16th Floor
Wilmington, DE 19801

RESPONSE TO DEBTORS' SECOND OMNIBUS OBJECTION TO CLAIMS (NON-SUBSTANTIVE) - 2

P.002/027

BD-002368

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

999 18TH STREET, SUITE 300 DENVER, CO 80202

CONSENT FOR ENTRY AND ACCESS TO PROPERTY

Name:	BOY STAMMY MEMULIAN
Address:	1574 E 5TH TI EAT
	Phone: 293 6307
Address of P	roperty for which consent for entry and access is being granted: SAME
Relationship to	enant, etc.)

I, the undersigned, am the owner, their representative, or otherwise control the real property at the location described above. The Environmental Protection Agency (EPA) has requested entry and access to my property pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act as amended (Superfund), 42 U.S.C. 9601 et seq.

I consent to officers, employees, and authorized representatives of the EPA, including their authorized contractors, entering and having continued access to my property for the following purposes:

- Visually inspecting the property, including the interior and exterior of any home or 1. any other structures on the property;
- the taking of such soil, bulk, or dust samples as may be determined to be necessary; 2.
- the taking of actions to mark or temporarily cover exposed vermiculite.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind. I certify that this Consent for Entry and Access is entered into voluntarily and constitutes an unconditional consent and grant of permission for access to the property by officers, employees, and authorized representatives of EPA at reasonable times.

Signature = Millan

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EPA Information Center BD- 002368 Office Copy

/	
/ C±	_
9.21	1-02

Soil samples collected (Date: _______

LIBBY ASBESTOS PROJECT Contaminant Screening Study Primary Structure and Property Assessment Information Field Form (IFF)

Pilitial J China	, A	9.74.07
eld Lagbook No.: 199134	Page No.: 41 Site Visit Date	cription: MOBILE HOME (2) Phone Number:
	The state of the s	Phone Number
ccupant: Roy MeMILLAN		Phone Number:
(if distances than occupant):	The state of the s	T Hone Items
ampling Team: DEAN KOZLOUSKI MIKEK	65:00 H	
ampling Team: DEAN KOLOWSKI MINES eld Form Check Completed by (100%	of forms):	
eld Form Check Completed by (100%) creening Field Check Completed by (2	% of forms):	
Creening Flore Circums		Notes
Data Item	Value	
HOUSE ATTRIBUTES		
Property Description	Gasidentia Industrial Commerci	al
	Residential Industrial Commerci	ial ·
Surrounding Land Use	School Mining	
•	CITIET	
Year of Construction	IQ"] L Unknown	
Square Footage	600	
Construction Material	(Wood frame Masonry/Stone	•
Construction Material	Other	
	© 2 3 Other	1
Number of Floors Above Ground	1: 2: 3:	
Number of Rooms Per Floor Above		
Ground	Other,	
Basement	Y88 (NO)	
	Woodpool Electric Propanel	Gas
Heating Source	Other:	
	Forced air (Radiant)	
Heat Distribution		
<u> </u>	Other:	

Address: 1574 E 5TH ST EXT

BD# 002348

	Value	Notes
Data Item	g to be a second to the second	
OCCUPANT INFORMATION	(4)	
Number of Adults/Employees		
	5-16 16-20 21-30 >30	
Number of Children	0 1 2 3 4	
	Other.	
Years at Location	<1 1-5 5-10 10-15 E13	29 YEARS
Years at Location		
Was the residence/building remodeled?	Yes (NO)	
	If yes,	
	When (years): <2 2-5 >5	
	Where: Attic Living Areas	·
	Garage Basement	
	Other:	
Has resident/business purchased any	The second secon	·
Libby vermiculite materials from W.R.	Yas	
Grace in the past?	and the same of th	
Has the property at this location been used for a for-profit enterprise of	Yes (No)	
distributing, treating, storing, or disposing of Libby vermiculite?		
Are there any known areas of exposed	Ves O	
vermiculite?	If yes,	
	Where: Celling Walls	
	Floors Attic	
·	Other.	

Address: 1574 E 5m 5T 2T

BD# 007368

	Value	Notes
Data Item	ASIMA	
INDOOR ASSESSMENT		Visual confirmation of current
Vermiculite Insulation Past or Present	Attic: Yes No NA Unknown	presence or absence required for
a Citingania	Walls: Yes (3) NA Unknown	attic.
	Basement: Yes No NA Unknown	
	Crawi Space: (99 No NA Unknown	
	Other:	
Evidence of Physical Damage?	Yes	
Evidence of Water Damage?	Yes No	
OUTDOOR ASSESSMENT		
Libby Amphibole Sources Present	Garden. Yas No W	OBSTRIED VEZMICULITE, THROUGH
Cide y Assiption 2	Yard: Yes No NA	OUT SPENT YARD AND (NE) AREA
	Stockpiles: Yes No (NA)	OF PROPERTY
	Cher	
Proximity to Other Properties with	Next daar	
Potential Sources of Libby Amphiboles	Within same block	
	Other	-
•	Unknown	-
-	And the second s	

Address: 1574 E 5TH ST EXT

BD# 002368

Value			Notes
Oata Item	,我们就是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个	ale della de	
XPOSURE ASSESSMENT		Once a day	Not Applicable applies when no vermiculite is present on the property.
ype and Frequency of Activity Near /ermiculite Material - Indoor	Frequency: ,	Once a week	veluicnite is bieselit of the biblion
emiculite Material - Indoor		Once a month	
	April 1997	Once a year	The state of the s
		Not Applicable	MOBILE HOME, NO LVAI
•	Duration of Contact:	<1 hour	
	last rain to the second	1-2 hours	
		2-4 hours	
		>4 hours	
		Not Applicable	
	Extent of Contact:	Heavy	
	Amount 40 2 - 140 () ***	Moderate	
		Light	
		Not Applicable	
A A set in a bloom	Frequency:	Once a day	Not Applicable applies when no vermiculite is present on the property
Type and Frequency of Activity Near Vermiculite Material - Outdoor	, , , ,	Once a week	
		Once a month	VERMICULITE OBSERVED
	-	Once a year	THEOUGHOUT FRONT YARD
		Not Applicable	_
	Duration of Contac	ti <1 hour	
,		-Z hours	
		2-4 hours	
		>4 hours	. 1
		Not Applicable	_
	Extent of Contact:		
		Moderate	_
		Light	
		Not Applicable	

AUG-08-2003 12:55 FROM: EPA INFO CENTER 4062935568

TO:3033126897

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CSS INFORMATION FIELD FORM (continued)

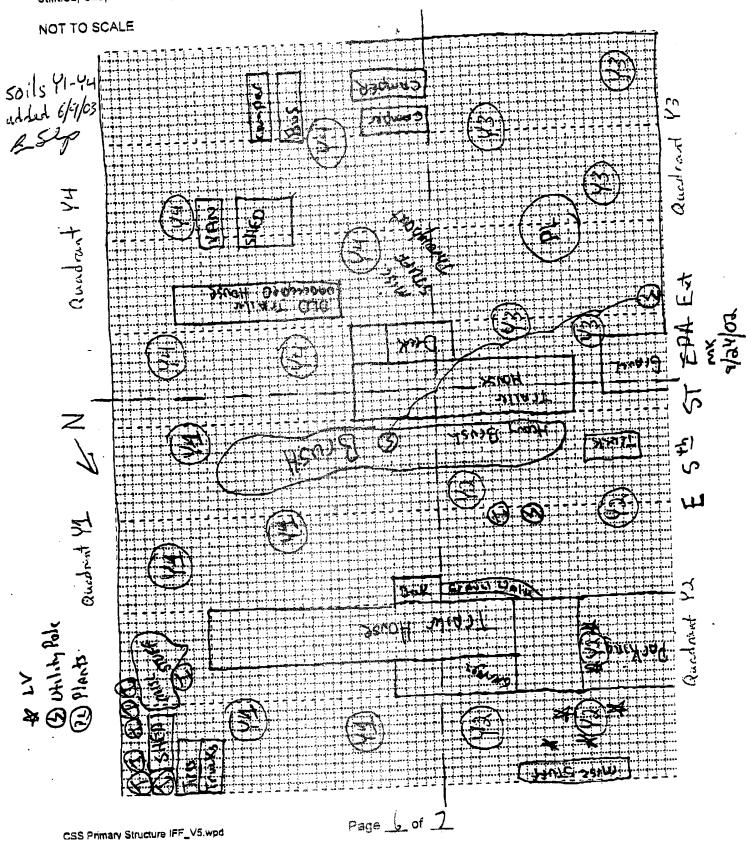
ess: 1974 EXT 5TM ST EXT	A STATE OF THE PERSON ASSESSMENT OF THE PERSON	Value	Notes
Data Item		The state of the s	
NTAMINANT SCREENING STUDY ASS			
	Occupa	ant Information	
there any knowledge of former miners, use relative of miners, or any highly	Yes Unknown	(P)	
posed persons living or visiting the operty?			
the resident, past or present, agnosed with an asbestos related	Yes	100	
sease?	A STATE OF THE STA		
	indo	par Information	
loes the interior have Zonolite attic	Yes	(B)	
Did the interior ever have Zonolite attic	Unknown Yes	@	NA applies if attic currently has ZAI.
nsulation?	Unknown	NA	
Are there vermiculite additives in any of the building materials?	Yes Unknown		
,	Out	tdoor information	
is there any evidence of primary source materials at or near-the property?	(G) Unknown	No	
Could this have been tracked indoors or otherwise spread outdoors on the	(Yes) Unknown	No	
property?		verall Assessment	
	The second secon	No	
Are primary source materials present at the property?	(Ye3)	TAXABLE RELEVANCE AND	-
Where are primary source materials located?	Inside Both	Outside	
ADDITIONAL INFORMATION VERY	NCULITE S ALTE THAT	PE IS ON GROW	HOUT FRONT Y VARD AREA ND, WAS USED FOR INSULATION D LIAS LEVELED ON PROPERT
THE HOUSE THAT HELD	THE VEIGHT	WITE RUPNED AN	nd, was used for insulation d was usiveled on droper

ESth Address:

BD# 002368

FIELD DIAGRAM OF PROPERTY

Identify important features (i.e. drainage, trees, gardens, structures, flowerbeds, utility poles, known underground utilities, suspected Libby amphibole source areas, sample locations, etc). Include north arrow.



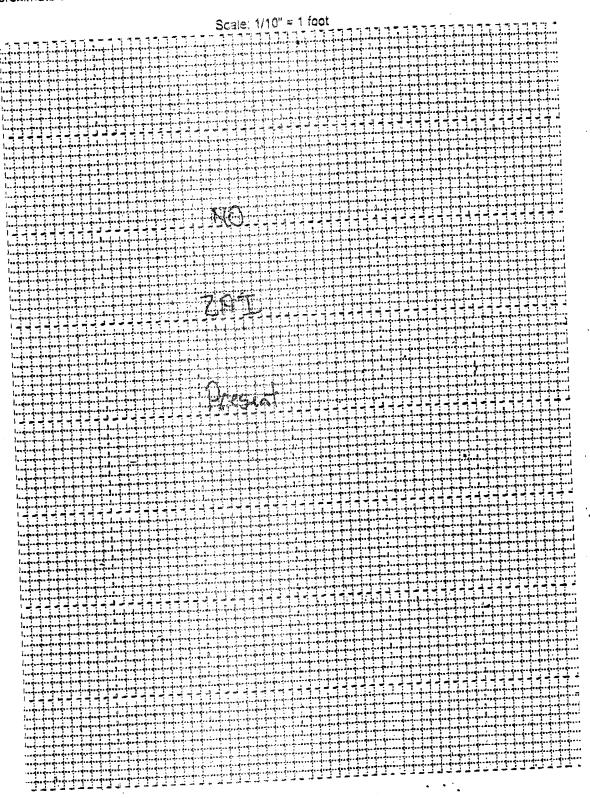
McMillan, Roy.max

Address: 1574 E 5th St Ext

BD#002368

FIELD DIAGRAM OF PRIMARY STRUCTURE

Include approximate dimensions of attic. Use more than one diagram if needed. Completed only if ZAI is present.



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BD# 002386

LIBBY ASBESTOS PROJECT Contaminant Screening Study Additional Information Field Form (AIFF)

	nal Information	9-13
dress: 1574 E. 5th St.	ge No.: 76-77 Site Visit Date: 6- Ext Structure Description: Phone Nur Phone Nur	mber: 293-6307
mer (if different than occupant):	- Appropriate Parties and Appropriate Control of the Control of th	
	CAM B. Shoup - FWY	
mpling Team: 13 c.b. Hint -	CDP TO	
U Farm Chack Completed by (100% of	(6)[1][6]	
resping Field Check Completed by (274	of forms): er and original IFF, ensure past dust sampling FSC described below. If action item does not apply to	DS, and soil sampling FSDS, are the property, check item does not
esent. Contact and apply to this property.	Action	Notes
Category and Action Trigger		
INDOOR SAMPLING/ATTIC INSPECTION Current presence of VCI - Unknown Answer to IFF question: Does the interior have VCI? = Unknown	Current Status of VCI Determined: O Year, update existing IFF. If VCI is present, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. No, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations.	
Past presence of VCI - Yes Answer to IFF question: Did the interior ever have VCI? = Yes	Remnants of Vermiculite Visible: Yes, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. No, collect dust samples in living space and attic per dust sampling protocol after reviewing existing dust sample locations. Unknown, attic cannot be accessed for visual inspection. Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations.	

CSS Additional IFF (Continued)

C22 Yaa				- · · · · ·	ensperie
			$\leq LI$	مراحبه	上头上
	15/7	<u> </u>	ンナム		Mile all the state of the state
Address:_					

BO# 002386

Codlect dust samples in living space per dust samples (mining history, bestos-related disease) = Yes Ermiculite Present in Building Materials nawer to IFF question: Are there ermiculite additives in any of the uilding materials? = Yes Condition of Vermiculite Containing Building Materials nawer to IFF question: Are there ermiculite additives in any of the uilding materials? = Yes Condition of Vermiculite Containing Building Materials in living space per dust samples in living space per dust samples in living space per dust samples in living space per dust sample solution of vermiculite. Condition of Vermiculite Containing Building Materials I intact. No further action on this item required. I train does not apply to this property. Basement Ground Floor Second Floor Attached Garage None Other: Cherry dust samples in living space per dust samples in living space per dust sample existing dust sample sample in living space per dust sample in living space per dust samples in living space per dust sample in living space per dust sample in living space per dust sample in living space per dust samples in living space per dust sample in living space per dust samples in living space per dust sample in living space per dust samp		Action	Notes
swer to any IFF Secondary Source ication questions (mining history, pestos-related disease) = Yes Item does not apply to this property.	Category and Action Trigger	All Control of Control	
Material: Inswer to IFF question: Are there armiculite additives in any of the uniding materials? ≠ Yes	swer to any IFF Secondary Squrce	dust sample locations.	
Intact. No further action on this item required. Intact. No further action on this item required. Intact. No further action on this item required. Priable, collect dust samples in living space per dust samples protocol after reviewing existing dust sample locations. Item does not apply to this property. Specific location of visible vermiculitie (circle all that apply)	rmiculite Present in Building Materials	Condition of Vermiculite Containing Building Material:	1
Docation dust samples NOT collected due to current presence of visible vermiculite (circle all that apply) Other: Other: Outdoor Sampling protections. Eltern does not apply to this property. Specific location of visible vermiculite: Attached Garage None Other: Other: Other: Other: Other: Orbitation of visible vermiculite: Other: Other	nswer to IFF question: Are there	required.	
Location dust samples NOT collected due to current presence of visible vermiculite (circle all that apply) Other: Other: Outpoor Sampling Visible vermiculite in large use area (Driveway or yard) Disconding from the formula floor of visible vermiculite: Attached Garage (None) Other: Oth		per dust sampling protections. existing dust sample locations.	
Basement Grand Vermiculite		Second Floor	Specific location of visible
aust sample locations. ☐ Item does not apply to this property.	I - IA ANDON' DIRECTOR OF THE -	Attached Garage None Other:	vermiculite:
dust sample locations. ☐ Item does not apply to this property.	QUTDOOR SAMPLING		1 11 00 115 06
☐ Item does not apply to this property.	Visible vermiculite in large use area (Driveway or yard)	add locations to existing Property of Collect dust samples in living space per	5-point composites
(NEOGMATION (Note any partial access or sample collection issues):	•	dust sample luces	
	WEST MATION (Note	any partial access or sample collection issues):	